



Appeal Decision

Site visit made on 8 March 2022

by Mrs Chris Pipe BA(Hons), DipTP, MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16TH March 2022

Appeal Ref: APP/P4225/D/21/3289404

Roach Fold, 33A Waterfold Lane, Heywood BL9 7JY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Kenneth Totton against the decision of the Rochdale Metropolitan Borough Council.
 - The application Ref 21/01086/HOUS dated 23 July 2021, was refused by notice dated 11 October 2021.
 - The development proposed is detached garage.
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Decision

1. The appeal is allowed and planning permission is granted for a detached garage at Roach Fold, 33A Waterfold Lane, Heywood BL9 7JY in accordance with the terms of the application, 21/01086/HOUS dated 23 July 2021, and the plans submitted with it.

Procedural Matter

2. Notwithstanding the description of development for the proposed development, contained within the application form, I have reworded the description to clearly describe the proposal.
3. At the time of my site visit, the development was in place. The application form made clear that the scheme had been submitted retrospectively and I have dealt with the appeal on that basis.

Main Issue

4. The main issue in this appeal is the effect of the proposed development on the living conditions of the occupiers of No. 31 Waterfold Lane.

Reasons

5. The appeal site is located within a predominantly residential area, to the rear of the row of properties fronting Waterfold Lane, No. 31 is a modest bungalow adjacent the appeal site. The highway serving the rear of the properties along Waterfold Lane serves the appeal site and provides separation from the rear boundary of No. 31 and the development. The development is at raised level to that of the adjacent bungalow.
6. The Council confirm that the separation distance between the development and the rear elevation of the adjacent bungalow is 8.28m.

7. The Guidelines and Standards for Residential Development SPD (2016) (the SPD) contains guidelines for separation distances for new developments. The guidance outlines that a separation distance of 10m between principal window and any directly facing single storey extension which does not contain a principal window to a habitable room. Whilst the separation distances applied by the Council relates to a single storey elevation for new residential development as opposed to a detached garage or outbuilding it is reasonable to apply the separation distance to the development before me.
8. Whilst the development would not adhere to the separation distance outlined in the SPD, I note that exceptions to these minimum space standards may be acceptable in some circumstances and applications will be considered on their individual merits. Notwithstanding this the development has an asymmetrical low roof pitch which could reduce the built form from that of an extension with a hipped or gabled roof which may meet the standard set by the SPD.
9. The development is a large detached garage; however, a visual gap is retained in front of the garage directly opposite No. 31. Even though the building is clearly visible from the rear windows of No. 31, due to the existing high rear boundary of the bungalow and the design, location and scale of the garage it would not be overbearing to the occupants of the neighbouring property.
10. During my site visit I noted that other outbuildings/garages are in similar locations to the rear of properties in the immediate area. Notwithstanding this the other detached buildings did not appear to be located at an increased floor level and therefore are not directly comparable to the proposal before me. Nonetheless I observed that the relationship of an outbuilding/garage to the rear of properties along Waterfold Lane is not an unusual one.
11. I conclude that the proposed development would not harm the living conditions of the occupiers of No. 31 Waterfold Lane. There is no conflict with Policy DM1 of the Rochdale Adopted Core Strategy (2016) which seeks amongst other things to protect the amenity of residents from visual intrusion, overbearing impact, overshadowing or loss of privacy.
12. There is also no conflict with the National Planning Policy Framework (2021) which seeks to ensure developments maintain a high standard of amenity for existing and future users.

Conclusion

13. For the above reasons I conclude that this appeal should be allowed.
14. Conditions relating to standard time limit for commencement of development, plans to be adhered to and materials to be used are not relevant or necessary as the development is complete.

C Pipe

INSPECTOR